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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,514	02/04/2004	Edward Ydoate	024007-061	1766

21839 7590 10/26/2004

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EXAMINER


VALENZA, JOSEPH E

ART UNIT PAPER NUMBER

3651

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/770,514	Applicant(s) YDOATE ET AL	
	Examiner Joseph Valenza	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 14-19 and 22-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/4/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-13, 20 and 21 are allowed.
2. Claims 14, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Seragnoli.

Note rear mounting portion 27, front pusher portion 28, 28', 29 or 29' and the connecting portion with a void between these two portions.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seragnoli in view of Kurczak.

It would have been obvious to add the teachings of pivotal pusher portion 54, 54a and cylinder 60, 60a, which can act as a shock absorber due to the compressible fluid in the cylinder.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seragnoli in view of Kurczak and Counter et al.

It would have been obvious to add the teachings of elastic material 154 of Counter et al to the pusher in the structure of paragraph 3.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seragnoli in view of Counter et al.

It would have been obvious to add the teachings of elastic material 154 of Counter et al to the pusher in the structure of paragraph 2.

6. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Kurczak.

Note pivotal pusher portion 54, 54a and cylinder 60, 60a, which can act as a shock absorber due to the compressible fluid in the cylinder.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurczak.

The cylinder 60 or 60a is functionally equivalent to the spring and damper.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurczak in view of Counter et al.

It would have been obvious to add the teachings of elastic material 154 of Counter et al to the pusher in the structure of paragraph 7.

9. Wilcox is pertinent.

10. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to (703) 872-9306. My normal work week is Monday through Thursday.

A handwritten signature in black ink, reading "Joseph Valenza". The signature is fluid and cursive, with the first name "Joseph" and last name "Valenza" clearly distinguishable.

JOSEPH E. VALENZA
PRIMARY EXAMINER